

Notice of Allowability

Application No.

09/343,805

Examiner

Mary J. Steelman

Applicant(s)

CHAIKEN ET AL.

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 05/06/2004.
2. ☒ The allowed claim(s) is/are 19-25 and 27-30.
3. ☒ The drawings filed on 30 June 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

1. This action is in response to Applicant's Amendment filed 05/06/2004. Per Applicant's request claims 1-15, 17, 18, 31-43 have been canceled. Claims 19-25 and 27-30 are pending.

Allowable Subject Matter

2. Claims 19-25 and 27-30 are allowed.
3. The following is an examiner's statement of reasons for allowance:

As noted in Examiner's previous office action, independent claims 19 and 25 have been amended to reflect execution of instruction and accomplishment of a functional objective. As such, the prior rejections have been overcome.

An update search produced the following related patents:

US Patent 6,298,391 B1 to Kennedy et al. (Method and system for generic non-conformant size pointer marshaling. Col. 12, lines 27-32, "...the exemplary data structure is intended to be illustrative of a wide variety of data structures containing pointers that can be marshaled in a remote procedure call between computers...")

US Patent 5500947 to Uhler et al. (Col. 5, lines 51-53, "Method and apparatus for implementing...operand specifier processing..." Col. 8, lines 38-39, "...supports a diverse collection of operand addressing modes..."

Prior art fails to disclose an intermediate representation instruction data structure representing a platform-neutral instruction translated from a platform-dependent instruction in a heterogeneous program, comprising the specific combination of an opcode field, a destination operand field, a first source operand field, a second source operand field, a size field containing data representing a length for the instruction identified by a combination of the opcode field, the destination operand field, the first source operand field and the second source operand field and a mode field containing data representing an addressing mode for the instruction identified by the combination, as noted in independent claim 19.

Prior art fails to disclose intermediate representation instructions of the heterogeneous program representing a platform-neutral instruction translated from a platform-dependent instruction in the heterogeneous program and a hierarchical data structure specifically comprising a component data structure comprising a procedure field containing data representing a pointer to a procedure data structure for a procedure in the component, the procedure data structure comprising a first block field containing data representing a pointer to a code block data structure for a code block in the procedure identified by the procedure field; and an instruction data structure comprising an instruction field containing data representing a pointer to a instruction data structure for an instruction in the code block identified by the first block field, as noted in independent claim 25.

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These limitations are not disclosed in prior art of record and would not have been obvious.

Thus dependent claims 20-24 and 27-30 also constitute allowable subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552.

The fax phone number is (703) 872-9306 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mary Steelman



06/28/2004



WEI Y. ZHEN
PRIMARY PATENT EXAMINER

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